IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Misc. No. 13514-M of 2004

DATE OF DECISION : 18.12.2006

Sukhwant Singh

.... PETITIONER

Versus

State of Punjab and another

..... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. A.S. Jattana, Advocate,
for the petitioner.

Mr. N.S. Gill, AAG, Punjab.

Mr. S.K. Laddi, Advocate,
for respondent No.2.

* * *

Petitioner Sukhwant Singh has filed this petition under Section 482 of the Code of Criminal Procedure for quashing of case FIR No. 8 dated 10.1.2001 registered at Police Station Sadar, Khanna, under Sections 406/498-A IPC.

In pursuance of the notice issued by this Court, respondent No.2-complainant filed written statement by way of her affidavit. She has also appeared in the court today and has made the following statement :-

> "My marriage with petitioner Sukhwant Singh was solemnized on 8.12.1997. When I was harassed by my husband and his family members, I lodged FIR No. 8 dated 10.1.2001 against them. The other family members of the petitioner have been acquitted by the learned trial court and the petitioner was declared proclaimed offender. During the pendency of these

> proceedings, I filed a petition for divorce under Section 13 of the Hindu Marriage Act, which was allowed ex-parte vide judgment dated 15.5.2003 and our marriage was dissolved.After the divorce, I performed the second marriage with Charanjit Singh resident of Tedewal (Partapgarh) District Ludhiana. From the said marriage, I have a child. Now with the intervention of the family members, I have entered into compromise with the petitioner and I have received Rs. 2.50 lacs from the petitioner. In the changed circumstances, I have no objection if the aforesaid FIR, in which petitioner is proclaimed offender, is quashed along with all the subsequent proceedings."

The aforesaid statement of the complainant has been counter-signed by her counsel.

I have heard the arguments of learned counsel for the parties.

The aforesaid FIR was registered against petitioner, his parents and sister. The petitioner was declared proclaimed offender and the remaining three accused were acquitted by the trial court vide judgment dated 15.6.2002. During the pendency of the proceedings against the petitioner, respondent No.2-complainant filed petition for divorce under Section 13-B of the Hindu Marriage Act, which was allowed ex-parte vide judgment dated 15.5.2003, passed by Additional District Judge, Ludhiana. Counsel for the petitioner has submitted that the aforesaid judgment dated 15.5.2003 has attained finality, as the petitioner has not filed any appeal against the same. After the grant of divorce, respondent No.2 has even re-married with one Charanjit Singh of Village Tedewal (Partapgarh) District Ludhiana. From the second marriage, she has got a child. Now, with the intervention of the family members, the matter has been compromised and an amount of Rs. 2.50 lacs has been received by respondent No.2 from the petitioner in lieu of her maintenance and dowry articles.

Keeping in view the aforesaid facts and statement made by respondent No.2-complainant, I am of the opinion that since the parties have compromised the matter and the marriage between petitioner No.1 and respondent No.2 has already been dissolved, therefore, no useful purpose will be served by continuing with the criminal proceedings in the instant FIR against the petitioner. I am satisfied that the settlement arrived at between the parties is bonafide. Therefore, in view of the aforesaid statement of respondent No.2-complainant, the fact that the parties have compromised the matter and the law laid down by the Supreme Court in ***B.S. Joshi and others*** vs. ***State of Haryana and another,*** JT 2003 (3) SC 277, FIR No. 8 dated 10.1.2001 registered at Police Station Sadar, Khanna, under Sections 406/498-A IPC and all the proceedings arising therefrom, including the proceedings of proclaimed offender against the petitioner, are quashed.

Petition is accordingly allowed.

December 18, 2006 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**